28345. Adulteration and misbranding of nitroglycerin tablets, acetophenetidin tablets, quinine sulphate tablets, and cinchophen tablets. U. S. v. Physicians' Chemical & Drug Co. Plea of nolo contendere. Fine, $110. (F. & D. No. 39806. Sample Nos. 9596–C, 41510–C, 41512–C, 41515–C.)

These tablets contained smaller amounts of nitroglycerin, acetophenetidin, quinine sulphate, and cinchophen, respectively, than declared on the label.

On November 24, 1937, the United States attorney for the Northern District of Illinois, acting upon a report made by the Secretary of Agriculture, filed in the district court an information against the Physicians' Chemical & Drug Co., a corporation of Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 28, 1937, from the State of Illinois into the State of Nebraska of quantities of nitroglycerin tablets, acetophenetidin tablets, and quinine sulphate tablets, and on or about April 23, 1937, from the State of Illinois into the State of California of a quantity of cinchophen tablets, which products were adulterated and misbranded. The articles were labeled; "The Physicians' Chemical & Drug Company, Chicago, Illinois."

The nitroglycerin tablets were alleged to be adulterated in that they were sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since each tablet was represented to contain 1/150 grain of nitroglycerin, whereas each tablet contained 1/200 grain of nitroglycerin, equivalent to 76.1 percent of the labeled amount of nitroglycerin per tablet, and the pharmacopoeia provides that nitroglycerin tablets shall contain not less than 87.5 percent of the labeled amount of nitroglycerin per tablet, and the standard of strength, quality, and purity of the article was not declared on the container. They were alleged to be adulterated further in that their strength fell below the professed standard and quality under which they were sold. They were alleged to be misbranded in that the statements, "Nitroglycerin Gr. 1/150" and "Guaranteed by the Physicians' Chemical & Drug Co. under the Food and Drug Act, June 30, 1906. Serial No. 2181," borne on the bottle, were false and misleading in that they represented that the tablets each contained 1/150 grain of nitroglycerin, and that the article conformed to the Food and Drugs Act; whereas the tablets contained less than 1/150 grain of nitroglycerin, and did not conform to the Food and Drugs Act.

The acetophenetidin tablets were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 5 grains of acetophenetidin, whereas each of said tablets contained not more than 3.855 grains of acetophenetidin. They were alleged to be misbranded in that the statement "Acetphenetidin Gr. 5," borne on the bottle, was false and misleading. They were alleged to be misbranded further in that they contained acetophenetidin, a derivative of acetanilid, and the label failed to bear a statement of the quantity and proportion of acetophenetidin, a derivative of acetanilid, contained therein.

The quinine sulphate tablets were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 2 grains of quinine sulphate; whereas they contained not more than 1.57 grains of quinine sulphate per tablet. They were alleged to be misbranded in that the statement "Quinine sulphate Gr. 2" was false and misleading.

The cinchophen tablets were alleged to be adulterated in that they were sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary since each tablet was represented to contain 7½ grains of cinchophen; whereas each tablet contained approximately 6.42 grains of cinchophen, equivalent to 85.6 percent of the labeled amount, and the formulary provides that cinchophen tablets shall contain not less than 92.5 percent of the labeled amount of cinchophen. They were alleged to be adulterated further in that their strength fell below the professed standard and quality under which they were sold. They were alleged to be misbranded in that the statement "cinchophen 7½ grains," borne on the bottle label, was false and misleading.

On December 20, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $110.

HARRY L. BROWN, *Acting Secretary of Agriculture.*